

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA

vs.

CASE NO. 3: 00CR00119-01 (DRD)

JORGE HERNANDEZ-VELAZQUEZ

* * * * *

MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS
AND REQUEST FOR THE ISSUANCE OF AN ARREST WARRANT

TO THE HONORABLE DANIEL R. DOMINGUEZ,
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, Benjamín Bonilla, United States Probation Officer of this Court, respectfully presenting an official report on the conduct and attitude of the offender, Jorge Hernández-Velázquez, who on December 6, 2004, was sentenced by your honor to three (3) months of imprisonment after he pled guilty of violating Standard Condition of Supervision #2 and Special Condition of Supervision #1. A one (1) year supervised release term was also imposed. On February 9, 2005, Mr. Hernández-Velázquez was released from custody at which time he commenced his supervised release term.

On August 17, 2005, Mr. Hernández-Velázquez was referred to an outpatient drug treatment program, for his drug abuse. He tested positive to marihuana, heroine and cocaine on that same day. He continued treatment until December 2005.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:

Since his release from custody, the offender has violated the following conditions of his supervised release term:

1. STANDARD CONDITION - "WHILE ON SUPERVISED RELEASE, THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME. THE DEFENDANT

SHALL NOT ILLEGALLY POSSESS A CONTROL SUBSTANCE.

On January 30, 2006, Mr. Hernández-Velázquez was arrested by Puerto Rico Police, Tactical Division of Caguas. He was in possession of 29 small bags of cocaine and 14 small bags of heroine, as confirmed by Edwin Torres, the arresting agent. Probable cause for his arrest was found and a preliminary hearing was scheduled for February 15, 2006. Mr. Hernández-Velázquez was set free on bail on that same day.

2. STANDARD CONDITION NO. 6- "THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER AT LEAST TEN DAYS PRIOR TO ANY CHANGE IN RESIDENCE OR EMPLOYMENT."

On May 27, 2005, during a routine field visit, this officer was informed by Mr. Hernández-Velázquez' former neighbors that he had moved out of his address of record sometime in April. Later on that day, Mr. Hernández-Velázquez admitted having moved to a new address without notifying this officer.

3. STANDARD CONDITION NO. 7- "THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCE, EXCEPT AS PRESCRIBED BY A PHYSICIAN."

Mr. Hernández-Velázquez tested positive to marihuana, cocaine and heroine on August 17, 2005. On November 7, 2005, he tested positive to marihuana and heroine. Moreover, on January 17, 2006, Mr. Hernandez-Velazquez tested positive to heroine.

4. STANDADARD CONDITION NO. 11- "THE DEFENDANT SHALL NOTIFY WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER."

On September 30, 2005, Mr. Hernandez-Velazquez was interrogated by the Puerto Rico Police, Homicides Division in Caguas. He was never accused, nonetheless, he reported said

incident on November 7, 2005, more than a month later.

WHEREFORE, I declare under penalty and in lieu of the aforementioned, it is respectfully requested that his term of supervision be tolled and a warrant for his arrest be issued so that he may be brought before this Honorable Court to show cause why his supervision term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 7th day of February 2006.

Respectfully submitted,

EUSTAQUIO BABELONIA, CHIEF
U.S. PROBATION OFFICER

s/Benjamin Bonilla
Benjamin Bonilla
U.S. Probation Officer
Federal Office Building, Office 400
San Juan, PR 00918
Tel: 787-281-4982
Fax: 787-766-5945
Benjamin_Bonilla@prp.uscourts.gov

CERTIFICATE OF SERVICE

I HEREBY certify that on February 7, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Sonia Torres, Assistant U.S. Attorney and to Juan Matos De Juan, Assistant U.S. Federal Public Defender.

In San Juan, Puerto Rico, this 7th day of February 2006.

s/Benjamin Bonilla
Benjamin Bonilla
U.S. Probation Officer
Federal Office Building, Office 400
San Juan, PR 00918
Tel: 787-281-4982
Fax: 787-766-5945
Benjamin_Bonilla@prp.uscourts.gov